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REMARKS

This Amendment is in response to the Office Action dated July 13, 2005. In the Office Action, claims 1-32 were rejected under 35 USC §103. Currently pending claims 1-32 are believed allowable, with claims 1, 7, 11, 14, 18 and 21 being independent claims.

CLAIM REJECTIONS UNDER 35 USC §103:

Claims 1-32 were rejected under 35 USC §103 as being obvious over U.S. Patent Application Publication US2002/0007317A1 to Callaghan et al. ("Callaghan") in view of U.S. Patent Application Publication US2005/0125417A1 to Elgart ("Elgart"). A *prima facie* case for obviousness can only be made if the combined reference documents teach or suggest all the claim limitations. MPEP 2143.

Claim 1:

Claim 1 recites, in part, "wherein the first web server uses a first user tracking mechanism to collect client information and stores the client information as a client record in a database." App., claim 1 (emphasis added). In rejecting claim 1, the Examiner alleges Callaghan discloses this limitation on page 4, paragraphs 66 to 68. The Applicant respectfully disagrees with such a conclusion.

Paragraphs 66 to 68 of Callaghan recite,

The Moved Temporarily response code causes the browser to reissue request 410 for the new location. The proxy server receives the new request and determines by the "set_cookie_" parameter of the URL that this request is one for which cookies should be returned. It also determines that the request needs to be redirected to the URL specified by the "real_url=. . ." parameter.

Thus, the proxy server sends another 302 Moved Temporarily response 412 to the browser. This response includes, in the "Location: . . ." mime data, the URL of the original request, as specified by real_url (not shown). It also associates the cookie "state=statel" with the domain "stored.cookie.com", which is the host name of the server specified in request 410. Thereafter, the original request 414 is resubmitted.

By using the above technique, the proxy server can set a cookie for a fixed location, e.g., stored.cookie.com. The domain stored.cookie.com is thus, associated with statel. Callaghan, par. 66-68.

The above passage offered by the Examiner as teaching "wherein the first web server uses a first user tracking mechanism to collect client

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information and stores the client information as a client record in a database" deals with storing state information associated with one or more domains in a cookie. The Applicant respectfully submits that the cited passage contains no mention or teaching of client information stored as a client record in a database.

The Examiner argues, "It is deemed inherent for the proxy server to use a database when storing client records." A proxy server is a computer network service that allows clients to make indirect network connections to other network services. See http://en.wikipedia.org/wiki/Proxy_servers. Thus, the Applicant respectfully disagrees with the Examiner's conclusion that a database or client records are somehow inherent to proxy servers. Under an inherency argument, the fact that a certain characteristic may be present in the prior art is not sufficient to establish the inherency of that characteristic. MPEP 2112 citing *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (emphasis in original). In relying upon the theory of inherency, the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art. MPEP 2112 citing *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original).

Callaghan uses an intermediary application (such as a proxy server) to intercept communications between a client and server, and adds state information to the communications. Callaghan, par. 56. Contrary to the Examiner's interpretation of Callaghan, there is no teaching in this reference of using a database to store client records. Indeed, Callaghan only mentions the word "database" once in its specification, and in the context of using a database to store URLs that require authorization. Callaghan, par. 91. It is therefore respectfully submitted that Callaghan does not teach or suggest a first web server that that uses a first user tracking mechanism to collect client information and store client information as a client record in a database.

Claim 1 further recites, "said resource encapsulating information about a location of the client record in the database" and "the second web server decapsulating the location and retrieving the client record from the database." The Office Action states that Callaghan does not explicitly

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disclose encapsulating and decapsulating a link to retrieve a client record in a database, but maintains that Elgart, at paragraph 25, "discloses the ability for more than one user to share information that is located in a database."

The Examiner, without offering any evidence, states, "a first user must share with a second user a method to locate the information stored in the database, in this instance a method of encapsulating or decapsulating the location information between users using well known messaging techniques in the computer networking arts." The conclusion that the claimed subject matter is *prima facie* obvious must be supported by evidence, as shown by some objective teaching in the prior art or by knowledge generally available to one of ordinary skill in the art that would have led that individual to combine the relevant teachings of the references to arrive at the claimed invention. See *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Rejections based on § 103 must rest on a factual basis with these facts being interpreted without hindsight reconstruction of the invention from the prior art. The Examiner may not, because of doubt that the invention is patentable, resort to speculation, unfounded assumption or hindsight reconstruction to supply deficiencies in the factual basis for the rejection. See *In re Warner*, 379 F.2d 1011, 1017, 154 USPQ 173, 177 (CCPA 1967), *cert. denied*, 389 U.S. 1057 (1968).

The Examiner alleges, by presenting a reference that teaches "for more than one user to share information located in a database", in combination with Callaghan, claim 1 is obviated. Thus, according to the Examiner, Callaghan teaches a first web server that stores client information as a client record in a database and a second web server using the client record, but does not teach a method for more than one user to share information located in a database. The Applicant respectfully submits that the Examiner's position is clearly incongruous.

Additionally, Elgart does not redress the elements missing from the teachings of Callaghan. Elgart does not mention encapsulating information about a location of a client record in a database. Nor is there teaching in Elgart of a second web server decapsulating the location and retrieving a client record from a database.

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As conceded by the Examiner, Callaghan does not respond to the limitation in claim 1 requiring encapsulating and decapsulating a link to retrieve a client record in a database. In proposing to combine Callaghan and Elgart to account for encapsulating and decapsulating information as specified in claim 1 and missing in Callaghan, the Examiner submits that it would have been obvious to one of ordinary skill in the art "to modify the invention as disclosed by Callaghan with the database information sharing method as disclosed by Elgart in order to be able to share client record information that is stored in a database accurately and securely".

Obviousness cannot be established by combining prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *In re Fritch*, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). The mere fact that the prior art may be modified in the manner suggested by an Examiner does make the modification obvious unless the prior art suggested the desirability of the modification. *Id.*

In the present case, the advantage alleged by the Examiner to justify the proposed combination of Callaghan and Elgart does not stand up to close scrutiny. If the Examiner's allegations are assumed true, then Callaghan teaches a first web server that stores the client information as a client record in a database and a second web server using the client record, but does not teach a method to share client record information. Such a conclusion is preposterous since the second server cannot use the client record information without the first server sharing the client record information in the first place.

Moreover, the Examiner has not explained, and it not evident, why a person of ordinary skill in the art would have found it obvious to reconstruct Callaghan to use the database information sharing method as disclosed by Elgart. In this regard, neither Callaghan nor Elgart express any appreciation of advantages attributed in the Applicant's specification benefit for tracking information across different domains without changing the domain's preexisting tracking mechanisms. In this light, it is apparent that the only suggestion for combining Callaghan and Elgart in the manner advanced by the Examiner stems from hindsight knowledge impermissibly derived from the Appellant's disclosure.

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For at least the reasons discussed above, the Applicant respectfully asserts that the Office Action has not established a *prima facie* case of obviousness for claim 1. As such, the rejection of claim 1 should be withdrawn. Moreover, the Applicant believes that claim 1 is patentable over the cited documents and earnestly requests an indication of allowability for claim 1.

Claims 2-6, 12, 15, 23 and 24:

Claims 2-6, 12, 15, 23 and 24 are dependent on and further limit claim 1. Since claim 1 is believed allowable, claims 2-6, 12, 15, 23 and 24 are also believed allowable for at least the same reasons as claim 1.

Claim 7:

Claim 7 recites, in part, "storing a client record in a database by the first web server." App., claim 7. As discussed above, Callaghan uses an intermediary application (such as a proxy server) that intercepts communications between a client and server, and adds state information to the communications. Callaghan, par. 56. Callaghan does not require nor discusses a database for storing client records. Indeed, Callaghan only mentions the word "database" once in its specification, and in the context of using a database to store URLs that require authorization. Callaghan, par. 91. It is therefore respectfully submitted that Callaghan does not teach or suggest storing a client record in a database by the first web server.

Claim 7 also recites, in part, "creating a link to the second web server that encapsulates information about a location of the client record in the database." App., claim 7. The Office Action states that Callaghan does not explicitly disclose encapsulating and decapsulating a link to retrieve a client record in a database, but maintains that Elgart, at paragraph 25, "discloses the ability for more than one user to share information that is located in a database."

The Examiner, without offering any evidence, states, "a first user must share with a second user a method to locate the information stored in the database, in this instance a method of encapsulating or decapsulating the location information between users using well known messaging techniques in the computer networking arts." The conclusion that the claimed subject matter is *prima facie* obvious must be supported by evidence, as shown by some

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objective teaching in the prior art or by knowledge generally available to one of ordinary skill in the art that would have led that individual to combine the relevant teachings of the references to arrive at the claimed invention. See *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Rejections based on § 103 must rest on a factual basis with these facts being interpreted without hindsight reconstruction of the invention from the prior art. The Examiner may not, because of doubt that the invention is patentable, resort to speculation, unfounded assumption or hindsight reconstruction to supply deficiencies in the factual basis for the rejection. See *In re Warner*, 379 F.2d 1011, 1017, 154 USPQ 173, 177 (CCPA 1967), cert. denied, 389 U.S. 1057 (1968).

The Examiner alleges, by presenting a reference that teaches "for more than one user to share information located in a database", in combination with Callaghan, claim 7 is obviated. Thus, according to the Examiner, Callaghan teaches a first web server that stores client information as a client record in a database and a second web server using the client record, but does not teach a method for more than one user to share information located in a database. The Applicant respectfully submits that the Examiner's position is clearly incongruous.

Additionally, Elgart does not redress the elements missing from the teachings of Callaghan. Elgart does not mention encapsulating information about a location of a client record in a database. Nor is there teaching in Elgart of a second web server decapsulating the location and retrieving a client record from a database.

As conceded by the Examiner, Callaghan does not respond to the limitation in claim 7 requiring encapsulating and decapsulating a link to retrieve a client record in a database. In proposing to combine Callaghan and Elgart to account for encapsulating and decapsulating information as specified in claim 7 and missing in Callaghan, the Examiner submits that it would have been obvious to one of ordinary skill in the art "to modify the invention as disclosed by Callaghan with the database information sharing method as disclosed by Elgart in order to be able to share client record information that is stored in a database accurately and securely".

Obviousness cannot be established by combining prior art to produce the claimed invention absent some teaching or suggestion supporting the

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combination. *In re Fritch*, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). The mere fact that the prior art may be modified in the manner suggested by an Examiner does make the modification obvious unless the prior art suggested the desirability of the modification. *Id.*

In the present case, the advantage alleged by the Examiner to justify the proposed combination of Callaghan and Elgart does not stand up to close scrutiny. If the Examiner's allegations are assumed true, then Callaghan teaches a first web server that stores the client information as a client record in a database and a second web server using the client record, but does not teach a method to share client record information. Such a conclusion is preposterous since the second server cannot use the client record information without the first server sharing the client record information in the first place.

Moreover, the Examiner has not explained, and it not evident, why a person of ordinary skill in the art would have found it obvious to reconstruct Callaghan to use the database information sharing method as disclosed by Elgart. In this regard, neither Callaghan nor Elgart express any appreciation of advantages attributed in the Applicant's specification benefit for tracking information across different domains without changing the domain's preexisting tracking mechanisms. In this light, it is apparent that the only suggestion for combining Callaghan and Elgart in the manner advanced by the Examiner stems from hindsight knowledge impermissibly derived from the Appellant's disclosure.

For at least the reasons discussed above, the Applicant respectfully asserts that the Office Action has not established a *prima facie* case of obviousness for claim 7. As such, the rejection of claim 7 should be withdrawn. Moreover, the Applicant believes that claim 7 is patentable over the cited documents and earnestly requests an indication of allowability for claim 7.

Claims 8-10, 13, 16, 25 and 26:

Claims 8-10, 13, 16, 25 and 26 are dependent on and further limit claim 7. Since claim 7 is believed allowable, claims 8-10, 13, 16, 25 and 26 are also believed allowable for at least the same reasons as claim 7.

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Claim 11:

Claim 11 recites, in part, "wherein the first web server uses a first user tracking mechanism to collect client information and stores the client information as a client record in a database." Application, claim 11, lines 3-5.

As discussed above, Callaghan uses an intermediary application (such as a proxy server) that intercepts communications between a client and server, and adds state information to the communications. Callaghan, paragraph 56. Callaghan does not require nor discusses a database for storing client records. Indeed, Callaghan only mentions the word "database" once in its specification, and in the context of using a database to store URLs that require authorization. Callaghan, paragraph 91. It is therefore respectfully submitted that Callaghan does not teach or suggest a first web server that that uses a first user tracking mechanism to collect client information and store client information as a client record in a database.

Claim 11 also recites, in part, "said resource encapsulating information about a location of the client record in the database" and "the second web server decapsulating the location and retrieving the client record from the database." App., claim 11. The Office Action states that Callaghan does not explicitly disclose encapsulating and decapsulating a link to retrieve a client record in a database, but maintains that Elgart, at paragraph 25, "discloses the ability for more than one user to share information that is located in a database."

The Examiner, without offering any evidence, states, "a first user must share with a second user a method to locate the information stored in the database, in this instance a method of encapsulating or decapsulating the location information between users using well known messaging techniques in the computer networking arts." The conclusion that the claimed subject matter is *prima facie* obvious must be supported by evidence, as shown by some objective teaching in the prior art or by knowledge generally available to one of ordinary skill in the art that would have led that individual to combine the relevant teachings of the references to arrive at the claimed invention. See *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Rejections based on § 103 must rest on a factual basis with these facts being interpreted without hindsight reconstruction of the

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invention from the prior art. The Examiner may not, because of doubt that the invention is patentable, resort to speculation, unfounded assumption or hindsight reconstruction to supply deficiencies in the factual basis for the rejection. See *In re Warner*, 379 F.2d 1011, 1017, 154 USPQ 173, 177 (CCPA 1967), *cert. denied*, 389 U.S. 1057 (1968).

The Examiner alleges, by presenting a reference that teaches "for more than one user to share information located in a database", in combination with Callaghan, claim 11 is obviated. Thus, according to the Examiner, Callaghan teaches a first web server that stores client information as a client record in a database and a second web server using the client record, but does not teach a method for more than one user to share information located in a database. The Applicant respectfully submits that the Examiner's position is clearly incongruous.

Additionally, Elgart does not redress the elements missing from the teachings of Callaghan. Elgart does not mention encapsulating information about a location of a client record in a database. Nor is there teaching in Elgart of a second web server decapsulating the location and retrieving a client record from a database.

As conceded by the Examiner, Callaghan does not respond to the limitation in claim 11 requiring encapsulating and decapsulating a link to retrieve a client record in a database. In proposing to combine Callaghan and Elgart to account for encapsulating and decapsulating information as specified in claim 11 and missing in Callaghan, the Examiner submits that it would have been obvious to one of ordinary skill in the art "to modify the invention as disclosed by Callaghan with the database information sharing method as disclosed by Elgart in order to be able to share client record information that is stored in a database accurately and securely".

Obviousness cannot be established by combining prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *In re Fritch*, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). The mere fact that the prior art may be modified in the manner suggested by an Examiner does make the modification obvious unless the prior art suggested the desirability of the modification. *Id.*

In the present case, the advantage alleged by the Examiner to justify the proposed combination of Callaghan and Elgart does not stand up to close

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scrutiny. If the Examiner's allegations are assumed true, then Callaghan teaches a first web server that stores the client information as a client record in a database and a second web server using the client record, but does not teach a method to share client record information. Such a conclusion is preposterous since the second server cannot use the client record information without the first server sharing the client record information in the first place.

Moreover, the Examiner has not explained, and it not evident, why a person of ordinary skill in the art would have found it obvious to reconstruct Callaghan to use the database information sharing method as disclosed by Elgart. In this regard, neither Callaghan nor Elgart express any appreciation of advantages attributed in the Applicant's specification benefit for tracking information across different domains without changing the domain's preexisting tracking mechanisms. In this light, it is apparent that the only suggestion for combining Callaghan and Elgart in the manner advanced by the Examiner stems from hindsight knowledge impermissibly derived from the Appellant's disclosure.

For at least the reasons discussed above, the Applicant respectfully asserts that the Office Action has not established a *prima facie* case of obviousness for claim 11. As such, the rejection of claim 11 should be withdrawn. Moreover, the Applicant believes that claim 11 is patentable over the cited documents and earnestly requests an indication of allowability for claim 11.

Claims 17, 27 and 28:

Claim 17, 27 and 28 are dependent on and further limit claim 11. Since claim 11 is believed allowable, 17, 27 and 28 are also believed allowable for at least the same reasons as claim 11.

Claim 14:

Claim 14 recites, in part, "wherein the first user tracker uses a first user tracking mechanism to collect client information and stores the client information as a client record in a database." App., claim 14.

As discussed above, Callaghan uses an intermediary application (such as a proxy server) that intercepts communications between a client and server, and adds state information to the communications. Callaghan, paragraph 56.

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Callaghan does not require nor discusses a database for storing client records. Indeed, Callaghan only mentions the word "database" once in its specification, and in the context of using a database to store URLs that require authorization. Callaghan, paragraph 91. It is therefore respectfully submitted that Callaghan does not teach or suggest a first web server that that uses a first user tracking mechanism to collect client information and store client information as a client record in a database.

Claim 14 also recites, in part, "said resource encapsulating information about a location of the client record in the database" and "the second user tracker decapsulating the location and retrieving the client record from the database." App., claim 14. The Office Action states that Callaghan does not explicitly disclose encapsulating and decapsulating a link to retrieve a client record in a database, but maintains that Elgart, at paragraph 25, "discloses the ability for more than one user to share information that is located in a database."

The Examiner, without offering any evidence, states, "a first user must share with a second user a method to locate the information stored in the database, in this instance a method of encapsulating or decapsulating the location information between users using well known messaging techniques in the computer networking arts." The conclusion that the claimed subject matter is *prima facie* obvious must be supported by evidence, as shown by some objective teaching in the prior art or by knowledge generally available to one of ordinary skill in the art that would have led that individual to combine the relevant teachings of the references to arrive at the claimed invention. See *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Rejections based on § 103 must rest on a factual basis with these facts being interpreted without hindsight reconstruction of the invention from the prior art. The Examiner may not, because of doubt that the invention is patentable, resort to speculation, unfounded assumption or hindsight reconstruction to supply deficiencies in the factual basis for the rejection. See *In re Warner*, 379 F.2d 1011, 1017, 154 USPQ 173, 177 (CCPA 1967), *cert. denied*, 389 U.S. 1057 (1968).

The Examiner alleges, by presenting a reference that teaches "for more than one user to share information located in a database", in combination with Callaghan, claim 14 is obviated. Thus, according to the Examiner,

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Callaghan teaches a first web server that stores client information as a client record in a database and a second web server using the client record, but does not teach a method for more than one user to share information located in a database. The Applicant respectfully submits that the Examiner's position is clearly incongruous.

Additionally, Elgart does not redress the elements missing from the teachings of Callaghan. Elgart does not mention encapsulating information about a location of a client record in a database. Nor is there teaching in Elgart of a second web server decapsulating the location and retrieving a client record from a database.

As conceded by the Examiner, Callaghan does not respond to the limitation in claim 14 requiring encapsulating and decapsulating a link to retrieve a client record in a database. In proposing to combine Callaghan and Elgart to account for encapsulating and decapsulating information as specified in claim 14 and missing in Callaghan, the Examiner submits that it would have been obvious to one of ordinary skill in the art "to modify the invention as disclosed by Callaghan with the database information sharing method as disclosed by Elgart in order to be able to share client record information that is stored in a database accurately and securely".

Obviousness cannot be established by combining prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *In re Fritch*, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). The mere fact that the prior art may be modified in the manner suggested by an Examiner does make the modification obvious unless the prior art suggested the desirability of the modification. *Id.*

In the present case, the advantage alleged by the Examiner to justify the proposed combination of Callaghan and Elgart does not stand up to close scrutiny. If the Examiner's allegations are assumed true, then Callaghan teaches a first web server that stores the client information as a client record in a database and a second web server using the client record, but does not teach a method to share client record information. Such a conclusion is preposterous since the second server cannot use the client record information without the first server sharing the client record information in the first place.

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Moreover, the Examiner has not explained, and it not evident, why a person of ordinary skill in the art would have found it obvious to reconstruct Callaghan to use the database information sharing method as disclosed by Elgart. In this regard, neither Callaghan nor Elgart express any appreciation of advantages attributed in the Applicant's specification benefit for tracking information across different domains without changing the domain's preexisting tracking mechanisms. In this light, it is apparent that the only suggestion for combining Callaghan and Elgart in the manner advanced by the Examiner stems from hindsight knowledge impermissibly derived from the Appellant's disclosure.

For at least the reasons discussed above, the Applicant respectfully asserts that the Office Action has not established a *prima facie* case of obviousness for claim 14. As such, the rejection of claim 14 should be withdrawn. Moreover, the Applicant believes that claim 14 is patentable over the cited documents and earnestly requests an indication of allowability for claim 14.

Claims 29 and 30:

Claims 29 and 30 are dependent on and further limit claim 14. Since claim 14 is believed allowable, claims 29 and 30 are also believed allowable for at least the same reasons as claim 14.

Claims 18:

Claim 18 recites, in part, "storing a client record in a database by the first web server." App., claim 18. As discussed above, Callaghan uses an intermediary application (such as a proxy server) that intercepts communications between a client and server, and adds state information to the communications. Callaghan, paragraph 56. Callaghan does not require nor discusses a database for storing client records. Indeed, Callaghan only mentions the word "database" once in its specification, and in the context of using a database to store URLs that require authorization. Callaghan, paragraph 91. It is therefore respectfully submitted that Callaghan does not teach or suggest storing a client record in a database by the first web server.

Claim 18 also recites, in part, "creating a link to the second web server that encapsulates information about a location of the client record in

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the database." App., claim 18. The Office Action states that Callaghan does not explicitly disclose encapsulating and decapsulating a link to retrieve a client record in a database, but maintains that Elgart, at paragraph 25, "discloses the ability for more than one user to share information that is located in a database."

The Examiner, without offering any evidence, states, "a first user must share with a second user a method to locate the information stored in the database, in this instance a method of encapsulating or decapsulating the location information between users using well known messaging techniques in the computer networking arts." The conclusion that the claimed subject matter is *prima facie* obvious must be supported by evidence, as shown by some objective teaching in the prior art or by knowledge generally available to one of ordinary skill in the art that would have led that individual to combine the relevant teachings of the references to arrive at the claimed invention. See *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Rejections based on § 103 must rest on a factual basis with these facts being interpreted without hindsight reconstruction of the invention from the prior art. The Examiner may not, because of doubt that the invention is patentable, resort to speculation, unfounded assumption or hindsight reconstruction to supply deficiencies in the factual basis for the rejection. See *In re Warner*, 379 F.2d 1011, 1017, 154 USPQ 173, 177 (CCPA 1967), *cert. denied*, 389 U.S. 1057 (1968).

The Examiner alleges, by presenting a reference that teaches "for more than one user to share information located in a database", in combination with Callaghan, claim 18 is obviated. Thus, according to the Examiner, Callaghan teaches a first web server that stores client information as a client record in a database and a second web server using the client record, but does not teach a method for more than one user to share information located in a database. The Applicant respectfully submits that the Examiner's position is clearly incongruous.

Additionally, Elgart does not redress the elements missing from the teachings of Callaghan. Elgart does not mention encapsulating information about a location of a client record in a database. Nor is there teaching in Elgart of a second web server decapsulating the location and retrieving a client record from a database.

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As conceded by the Examiner, Callaghan does not respond to the limitation in claim 18 requiring encapsulating and decapsulating a link to retrieve a client record in a database. In proposing to combine Callaghan and Elgart to account for encapsulating and decapsulating information as specified in claim 18 and missing in Callaghan, the Examiner submits that it would have been obvious to one of ordinary skill in the art "to modify the invention as disclosed by Callaghan with the database information sharing method as disclosed by Elgart in order to be able to share client record information that is stored in a database accurately and securely".

Obviousness cannot be established by combining prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *In re Fritch*, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). The mere fact that the prior art may be modified in the manner suggested by an Examiner does make the modification obvious unless the prior art suggested the desirability of the modification. *Id.*

In the present case, the advantage alleged by the Examiner to justify the proposed combination of Callaghan and Elgart does not stand up to close scrutiny. If the Examiner's allegations are assumed true, then Callaghan teaches a first web server that stores the client information as a client record in a database and a second web server using the client record, but does not teach a method to share client record information. Such a conclusion is preposterous since the second server cannot use the client record information without the first server sharing the client record information in the first place.

Moreover, the Examiner has not explained, and it not evident, why a person of ordinary skill in the art would have found it obvious to reconstruct Callaghan to use the database information sharing method as disclosed by Elgart. In this regard, neither Callaghan nor Elgart express any appreciation of advantages attributed in the Applicant's specification benefit for tracking information across different domains without changing the domain's preexisting tracking mechanisms. In this light, it is apparent that the only suggestion for combining Callaghan and Elgart in the manner advanced by the Examiner stems from hindsight knowledge impermissibly derived from the Appellant's disclosure.

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For at least the reasons discussed above, the Applicant respectfully asserts that the Office Action has not established a *prima facie* case of obviousness for claim 18. As such, the rejection of claim 18 should be withdrawn. Moreover, the Applicant believes that claim 18 is patentable over the cited documents and earnestly requests an indication of allowability for claim 18.

Claims 19, 20 and 31:

Claims 19, 20 and 31 are dependent on and further limit claim 18. Since claim 18 is believed allowable, claims 19, 20 and 31 are also believed allowable for at least the same reasons as claim 18.

Claim 21:

Claim 21 recites, in part, "a first user tracker to collect client information and store client information as a client record in a cookie coordinator database." App., claim 21.

As discussed above, Callaghan uses an intermediary application (such as a proxy server) that intercepts communications between a client and server, and adds state information to the communications. Callaghan, paragraph 56. Callaghan does not require nor discusses a database for storing client information. Indeed, Callaghan only mentions the word "database" once in its specification, and in the context of using a database to store URLs that require authorization. Callaghan, paragraph 91. It is therefore respectfully submitted that Callaghan does not teach or suggest a first user tracker to collect client information and store client information as a client record in a cookie coordinator database.

Claim 21 also recites, in part, "an encapsulator for said resource to encapsulate information about a location of the client record in the database." App., claim 21. As discussed above, the teachings of Callaghan and Elgart do not mention or suggest using a database to store client records. Therefore, it is respectfully submitted that Callaghan does not contain teachings relating to an encapsulator for a resource to encapsulate information about a location of a client record in a database.

Claim 21 further recites, in part, "a decapsulator for the second web server to decapsulate a location and retrieve the client record from the database." App., claim 21. As discussed above, the teachings of Callaghan

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and Elgart do not mention or suggest using a database to store client records. Therefore, it is respectfully submitted that Callaghan does not contain teachings relating to a decapsulator for a second web server to decapsulate a location and retrieve the client record from the database.

For at least the reasons discussed above, the Applicant respectfully asserts that the Office Action has not established a *prima facie* case of obviousness for claim 21. As such, the rejection of claim 21 should be withdrawn. Moreover, the Applicant believes that claim 21 is patentable over the cited documents and earnestly requests an indication of allowability for claim 21.

Claim 22 and 31:

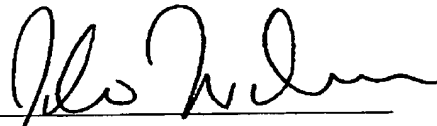
Claims 22 and 31 are dependent on and further limit claim 21. Since claim 21 is believed allowable, claims 22 and 31 are also believed allowable for at least the same reasons as claim 21.

CONCLUSION

It is respectfully submitted that this case is in condition for allowance and such action is respectfully requested. If any points remain at issue that the Examiner feels could best be resolved by a telephone interview, the Examiner is urged to contact the attorney below.

No fee is believed due with this Response, however, should such a fee be required please charge Deposit Account 50-0510. Should any extensions of time be required, please consider this a petition thereof and charge Deposit Account 50-0510 the required fee.

Respectfully submitted,



Dated: October 13, 2005

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